

RESOLUTION NO. 2000-74

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
REIMBURSEMENT BY THE CITY OF LODI TO PARK PLACE  
DEVELOPMENT LLC FOR MONIES PAID TO PACIFIC BELL

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WHEREAS, when a new subdivision is built within city limits, the City places certain requirements on the developer for improvements in and around the subdivision; and

WHEREAS, these requirements include surface street design and landscaping, and when improvements are made to existing City streets, the relocation of existing public utilities (electric, phone, cable TV, etc.) is frequently required; and

WHEREAS, if street improvements are a requirement of a developer, the costs associated with utility relocation are typically borne by the developer, but if the street improvements are a City project to be undertaken by the City, then each utility pays its own costs of relocation or modification, which in this case is the later; and

WHEREAS, prior to the developer, Park Place Development LLC, beginning development of Colvin Ranch, the City requested the developer perform certain improvements beyond the scope of 1992 City requirements providing additional right-of-way and landscaping on Stockton Street; and

WHEREAS, the City believed the costs associated with the planned widening of Stockton Street could be greatly reduced given the developer of the nearby Colvin Ranch subdivision would have necessary equipment on site. The developer agreed provided that the City allow street improvements within the subdivision in accordance with our current requirements, not the 1992 requirements and the City agreed; and

WHEREAS, late in 1998 and 1999, the City's Electric Utility Department began efforts to coordinate the undergrounding of all public utilities around the intersection of Almond Drive and Stockton Streets; and

WHEREAS, the Electric Utility wanted this done prior to completion of street improvements, and around this time the developer was informed that Pacific Bell deemed the project to be City required as opposed to City requested; and

Whereas, as a result, the developer was required to pay Pacific Bell \$74,562.87 prior to proceeding with the street modifications, and did so in order to maintain a reasonable construction schedule; and

WHEREAS, the project was delayed in excess of one year due to attempts of the public utilities to coordinate their respective construction schedules, which has caused increases in the developers costs of providing agreed services on behalf of the City, but nevertheless, the developer has agreed to honor its commitment to the City; and

WHEREAS, the City has attempted in recent years to partner where possible with local developers when such partnerships yield benefits to both the developer and the City; and

WHEREAS, City staff recommends reimbursing Park Place Development LLC for monies paid to Pacific Bell in an amount not to exceed \$74,562.87; and

WHEREAS, City staff believes that partnerships with local developers will be difficult in the future if the City does not continue to indemnify developers for costs and specific circumstances such as these; and

WHEREAS, in addition to reimbursement, the contractor will assign its rights to reimbursement from Pacific Bell to the City.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the reimbursement by the City of Lodi to Park Place Development LLC for costs incurred while acting on behalf of the City in the amount of \$74,562.87.

Dated: May 3, 2000

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I hereby certify that Resolution No. 2000-74 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 3, 2000 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Land, Nakanishi, Pennino  
and Mann (Mayor)

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
JACQUELINE L. TAYLOR  
Interim City Clerk